(16)

HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No.5607 of 2007

PETITIONER DEFENDANT — Satish Jain S/o Dharmchand Jain, Aged about 40 years, R/o Kamasipara Jhabakpara, Raipur, Tahsil and District – Raipur (C.G.)

VERSUS

RESPONDENTS PLAINTIFFS

1. Uday Surange S/o Govind Surange
2. Smt. Reetu Surange W/o Uday Surange
   Both are R/o L.I. 56/1 M.P.H.B. Colony, Shankar Nagar, Raipur, Tahsil & District – Raipur (C.G.)

RESPONDENTS DEFENDANTS

3. Govind Surange S/o Late Vasudev Surange, R/o Shankar Nagar, Raipur, Tahsil and District – Raipur (C.G.)
4. Vivek Surange S/o Govind Surange
   R/o Shankar Nagar, Raipur, Tahsil and District – Raipur (C.G.)

Writ Petition under Article 227 of the Constitution of India.

Present: Shri Satish Chandra Verma, counsel for the petitioner.

ORAL ORDER
(Passed on 11th September, 2007)

Learned counsel for the petitioner moved an application in a pending case in the trial Court under Order 8 Rule 1 (3) of Code of Civil Procedure for bringing certain documents on record after filing of the written statement. Learned counsel for the petitioner submitted that the document was in his possession and knowledge but it could not be filed. No reason has been indicated before this Court or before the Trial Court in this regard. The only argument advanced before this Court is that no prejudice would be caused to the parties if such document is taken on record. The interference could have been shown if after filing of the written statement the petitioner could have indicated that the documents concerned was neither in knowledge nor in his possession. Since the document was in possession and knowledge of the petitioner this Court does not find any ground to set aside the order passed by the trial Court. Accordingly, the writ petition is dismissed.

Sd/-
Acting Chief Justice

Kamble